IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4270 OF 2004

Dadasaheb Haridas Parade & anr. ... Applicants

versus

The State of Maharashtra ... Respondent

...

Mr. Milind Deshmukh, for the Applicants.

Mr. D.R. More, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

1st November 2004

P.C.:

. Pursuant to order passed on 20th October 2004, the investigating officer has verified the position with regard to the age of the Applicant. The Applicant had produced school leaving certificate mentioning his date of birth as 5th April "1986", but after inquiry, now, it is found that the said date has been forged instead of 5th April "1985". If the Applicant was born on 5th April 1985, and as the date of incident is 4th November 2003, he has completed 18 years of age

and the argument as canvassed is unavailable to the Applicant. As the Applicant has approached the Court with unclean hands, this application deserves to be dismissed on this count.

. Be that as it may, insofar as merits is concerned, on two occasions, this Court had considered the matter on merits and rejected. Hence, this application is dismissed. It will, however, be open to the investigating officer to take appropriate action against the Applicant for having forged the school leaving certificate, which was said to be used before the lower Court as well as this Court. No opinion is expressed with regard to that aspect of the matter.

(A.M.KHANWILKAR,J.)